	4	
1	EDMUND G. BROWN JR., Attorney General of the State of California ARTHUR D. TAGGART Supervising Deputy Attorney General JEFFREY M. PHILLIPS, State Bar No. 154990 Deputy Attorney General 1300 I Street, Suite 125 P.O. Box 944255 Sacramento, CA 94244-2550	
2		
3		
4		
5		
6	Telephone: (916) 324-6292 Facsimile: (916) 327-8643	
7	Attorneys for Complainant	
8		
9	BEFORE THE	
10	BOARD OF REGISTERED NURSING DEPARTMENT OF CONSUMER AFFAIRS STATE OF CALIFORNIA	
11		
12	In the Matter of the Accusation Against:	Case No. 2009-80
13	PATTI GAIL WEST TRUBY, a.k.a. PATTI GAIL HUSKEY	ACCUSATION
14	P.O. Box 997 Lucerne, California 95498	ACCUBATION
15		
16	Registered Nurse License No. 471801	
17	Respondent.	
18	Complainant alleges:	
19	<u>PARTIES</u>	
20	1. Ruth Ann Terry, M.P.H., R.N. ("Complainant") brings this Accusation	
21	solely in her official capacity as the Executive Officer of the Board of Registered Nursing	
22	("Board"), Department of Consumer Affairs.	
23	2. On or about September 30, 1991, the Board issued Registered Nurse	
24	License Number 471801 to Patti Gail West Truby, also known as Patti Gail Huskey	
25	("Respondent"). Respondent's registered nurse license was in full force and effect at all times	
26	relevant to the charges brought herein and will expire on October 31, 2009, unless renewed.	
27	///	
28	///	

### STATUTORY PROVISIONS

- 3. Business and Professions Code ("Code") section 2750 provides, in pertinent part, that the Board may discipline any licensee, including a licensee holding a temporary or an inactive license, for any reason provided in Article 3 (commencing with section 2750) of the Nursing Practice Act.
  - 4. Code section 2761 states, in pertinent part:

. 1

The board may take disciplinary action against a certified or licensed nurse or deny an application for a certificate or license for any of the following:

- (a) Unprofessional conduct, which includes, but is not limited to, the following:
- (1) Incompetence, or gross negligence in carrying out usual certified or licensed nursing functions . . .
- 5. California Code of Regulations, title 16, section ("Regulation") 1443 states:

As used in Section 2761 of the code, "incompetence" means the lack of possession of or the failure to exercise that degree of learning, skill, care and experience ordinarily possessed and exercised by a competent registered nurse as described in Section 1443.5.

#### COST RECOVERY

6. Code section 125.3 provides, in pertinent part, that the Board may request the administrative law judge to direct a licentiate found to have committed a violation or violations of the licensing act to pay a sum not to exceed the reasonable costs of the investigation and enforcement of the case.

#### FIRST CAUSE FOR DISCIPLINE

#### (Incompetence)

- 7. At all times relevant herein, Respondent was employed as a registered nurse at Kindred Hospital Sacramento, located in Folsom, California.
- 8. On or about October 28, 2005, Respondent was assigned two patients in the Intensive Care Unit (ICU) at the hospital, including CN. CN was a 76 year old female, admitted on August 11, 2005, with a history of a severe traumatic brain injury (TBI), end stage

- 9. Respondent assumed the care of CN on the night shift, beginning October 28, 2005. Previously that day, CN had "coded" and required re-intubation as well as vasopressor support of her blood pressure. At the beginning of Respondent's shift, the cardiac monitor was malfunctioning, and a portable monitor was then used. Throughout the shift, CN continued to require increasing doses of Levophed and sodium bicarbonate for acidosis. Orders were received from the attending on call, Dr. G. At approximately 0600 hours, Respondent recognized an erratic heart rate and placed an external pacemaker; no blood pressure was palpable at that time.
- 10. Respondent is subject to disciplinary action pursuant to Code section 2761, subdivision (a)(1), on the grounds of unprofessional conduct, in that on or about October 28, 2005, and October 29, 2005, Respondent was guilty of incompetence within the meaning of Regulation 1443, as follows: Respondent failed to notify the physician of the change in CN's condition or the placement of the external pacemaker, in violation of the ICU's Policy and Procedure for Use of Non-Invasive External Pacemaker.

## SECOND CAUSE FOR DISCIPLINE

# (Unprofessional Conduct)

- 11. Complainant incorporates by reference as though fully set forth herein the allegations contained in paragraphs 7 through 9 above.
- 12. Respondent is subject to disciplinary action pursuant to Code section 2761, subdivision (a), in that on or about October 28, 2005, and October 29, 2005, Respondent committed acts constituting unprofessional conduct, as set forth in paragraph 10 above.

24 | ///

. 1

2

3

4

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

25 | ///

26 | ///

27 II

///

28 ///

### **PRAYER**

WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged, and that following the hearing, the Board of Registered Nursing issue a decision:

- 1. Revoking or suspending Registered Nurse License Number 471801, issued to Patti Gaïl West Truby, also known as Patti Gaïl Huskey;
- 2. Ordering Patti Gail West Truby, also known as Patti Gail Huskey, to pay the Board of Registered Nursing the reasonable costs of the investigation and enforcement of this case, pursuant to Business and Professions Code section 125.3; and
  - 3. Taking such other and further action as deemed necessary and proper.

DATED: 1017108.

RUTH ANN TERRY, M.P.H., R.N.

**Executive Officer** 

Board of Registered Nursing Department of Consumer Affairs

State of California

Complainant

03579-110-SA2007103319 phd; 09/02/2008